

1 Tammy Hussin, Esq. (Bar No. 155290)  
2 Lemberg & Associates, LLC  
3 6404 Merlin Drive  
4 Carlsbad, CA 92011  
5 Telephone (855) 301-2100 ext. 5514  
6 thussin@leberglaw.com

7 Lemberg & Associates, LLC  
8 1100 Summer Street  
9 Stamford, CT 06905  
10 Telephone: (203) 653-2250  
11 Facsimile: (203) 653-3424

12 Attorneys for Plaintiff,  
13 Eddie Marie Lee

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

17 **CV13-9253** E

18 Eddie Marie Lee,

19 Plaintiff,

20 vs.

21 Merchants Credit Adjusters, Inc.; and  
22 DOES 1-10, inclusive,

23 Defendants.  
24  
25  
26  
27  
28

Case No.:

**COMPLAINT FOR DAMAGES**  
**1. VIOLATION OF FAIR DEBT**  
**COLLECTION PRACTICES ACT,**  
**15 U.S.C. § 1692 ET. SEQ;**  
**2. VIOLATION OF FAIR DEBT**  
**COLLECTION PRATICES ACT,**  
**CAL.CIV.CODE § 1788 ET. SEQ.**

**JURY TRIAL DEMANDED**

COMPLAINT FOR DAMAGES

FILED  
13 DEC 17 AM 11:52  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

1 For this Complaint, the Plaintiff, Eddie Marie Lee, by undersigned counsel,  
2 states as follows:  
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt  
6 Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of  
7 Plaintiff's personal privacy by the Defendants and its agents in their illegal efforts to  
8 collect a consumer debt.  
9

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.  
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that  
13 Defendants transact business here and a substantial portion of the acts giving rise to  
14 this action occurred here.  
15

16 **PARTIES**

17 4. The Plaintiff, Eddie Marie Lee (hereafter "Plaintiff"), is an adult  
18 individual residing in Bellflower, California, and is a "consumer" as the term is  
19 defined by 15 U.S.C. § 1692a(3).  
20

21 5. Defendant, Merchants Credit Adjusters, Inc. ("Merchants"), is a  
22 Nebraska business entity with an address of 17055 Frances Street, Suite #100, Omaha,  
23 Nebraska 68130, operating as a collection agency, and is a "debt collector" as the  
24 term is defined by 15 U.S.C. § 1692a(6).  
25  
26  
27  
28

1           6. Does 1-10 (the “Collectors”) are individual collectors employed by  
2 Merchants and whose identities are currently unknown to the Plaintiff. One or more  
3 of the Collectors may be joined as parties once their identities are disclosed through  
4 discovery.  
5

6           7. Merchants at all times acted by and through one or more of the  
7 Collectors.  
8

9                           **ALLEGATIONS APPLICABLE TO ALL COUNTS**

10          **A. The Debt**

11           8. A financial obligation (the “Debt”) was allegedly incurred to an original  
12 creditor (the “Creditor”).  
13

14           9. The Debt arose from services provided by the Creditor which were  
15 primarily for family, personal or household purposes and which meets the definition  
16 of a “debt” under 15 U.S.C. § 1692a(5).  
17

18           10. The Debt was purchased, assigned or transferred to Merchants for  
19 collection, or Merchants was employed by the Creditor to collect the Debt.  
20

21           11. The Defendants attempted to collect the Debt and, as such, engaged in  
22 “communications” as defined in 15 U.S.C. § 1692a(2).  
23

24          **B. Merchants Engages in Harassment and Abusive Tactics**

25           12. Within the last year, Merchants contacted Plaintiff in an attempt to  
26 collect the Debt allegedly owed by Plaintiff’s family members (the “Debtors”).  
27  
28



1           20. The Defendants used unfair and unconscionable means to collect a debt,  
2 in violation of 15 U.S.C. § 1692f.

3  
4           21. The foregoing acts and omissions of the Defendants constitute numerous  
5 and multiple violations of the FDCPA, including every one of the above-cited  
6 provisions.

7  
8           22. The Plaintiff is entitled to damages as a result of the Defendants'  
9 violations.

10  
11                                   **COUNT II**  
12                   **VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION**  
13                   **PRACTICES ACT, Cal. Civ. Code § 1788 *et seq.***

14           23. The Plaintiff incorporates by reference all of the above paragraphs of this  
15 Complaint as though fully stated herein.

16           24. The Rosenthal Fair Debt Collection Practices Act, California Civil Code  
17 section 1788 *et seq.* ("Rosenthal Act") prohibits unfair and deceptive acts and  
18 practices in the collection of consumer debts.

19  
20           25. Merchants Credit Adjusters, Inc., in the regular course of business,  
21 engages in debt collection and is a "debt collector" as defined by Cal. Civ. Code §  
22 1788.2(c).

23  
24           26. The Defendants caused a telephone to ring repeatedly and engaged the  
25 Plaintiff in continuous conversations with an intent to annoy the Plaintiff, in violation  
26 of Cal. Civ. Code § 1788.11(d).

1           27. The Defendants communicated with the Plaintiff with such frequency as  
2 to be considered harassment, in violation of Cal. Civ. Code § 1788.11(e).

3  
4           28. The Defendants failed to comply with the provisions of 15 U.S.C. §  
5 1692, et seq., in violation of Cal. Civ. Code § 1788.13(e).

6  
7           29. The Defendants did not comply with the provisions of Title 15, Section  
8 1692 of the United States Code, in violation of Cal. Civ. Code § 1788.17.

9           30. The Plaintiff is entitled to damages as a result of the Defendants'  
10 violations.

11  
12                                   **COUNT III**  
13                   **INVASION OF PRIVACY BY INTRUSION UPON SECLUSION**

14           31. The Plaintiff incorporates by reference all of the above paragraphs of this  
15 Complaint as though fully stated herein.

16           32. The Restatement of Torts, Second, § 652B defines intrusion upon  
17 seclusion as, "One who intentionally intrudes...upon the solitude or seclusion of  
18 another, or his private affairs or concerns, is subject to liability to the other for  
19 invasion of privacy, if the intrusion would be highly offensive to a reasonable person."  
20

21  
22           33. California further recognizes the Plaintiff's right to be free from  
23 invasions of privacy, thus the Defendants violated California state law.

24           34. The Defendants intentionally intruded upon Plaintiff's right to privacy by  
25 continually harassing Plaintiff with the above referenced telephone calls.  
26  
27  
28



1 C. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.

2 § 1692k(a)(3) against the Defendants;

3  
4 D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);

5 E. Statutory damages of \$1,000.00 for knowingly and willfully committing  
6 violations pursuant to Cal. Civ. Code § 1788.30(b);

7  
8 F. Actual damages from the Defendants for the all damages including  
9 emotional distress suffered as a result of the intentional, reckless, and/or  
10 negligent FDCPA violations and intentional, reckless, and/or negligent  
11 invasions of privacy and intentional infliction of emotional distress in an  
12 amount to be determined at trial for the Plaintiff;

13  
14 G. Punitive damages; and

15  
16 H. Such other and further relief as may be just and proper.

17  
18 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

19  
20 DATED: December 13, 2013

TAMMY HUSSIN

21  
22 

23 By: \_\_\_\_\_

Tammy Hussin, Esq.

24 Lemberg & Associates, LLC

25 Attorney for Plaintiff, Eddie Marie Lee  
26  
27  
28